

In the Supreme Court of the State of Alaska

Lawrence Vogltanz Jr.,
Appellant,

v.

Stacy Arleen Stinson,
Appellee.

Supreme Court No. S-17675

Order

Date of Order: 5/27/2020

Trial Court Case No. **3PA-17-02011CI**

On consideration of the appellant's 5/12/2020 motion for expedited clarification of 10 March 20 order and the appellee's 5/21/2020 partial opposition,

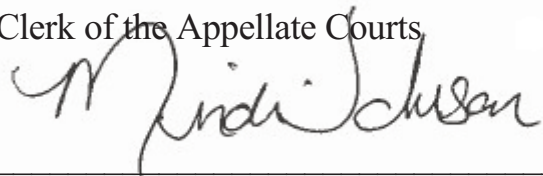
IT IS ORDERED:

The motion is **GRANTED**, and the 3/10/2020 order is clarified as follows. The appellant has the right to timely appeal a final order or judgment of the superior court. Viewing the 12/20/2019 post-judgment order as a final appealable order, this court, by its 3/10/2020 order, accepted the appeal as to that superior court order. However, the appellant does not have the right to a stay of the superior court's order while the appeal is pending. An appellant is entitled to a stay pending appeal only if he posts a supersedeas bond in an amount acceptable to the superior court (*see* Alaska Appellate Rule 204(d)), or if he satisfies one of two legal tests. First, if the appellant is faced with irreparable harm, then the appellant must also show that the appellee will be adequately protected during the pendency of the appeal and that the appeal presents "serious and substantial questions going to the merits of the case." Second, if the appellant is not faced with irreparable harm or if the appellee cannot be adequately protected, then the appellant must show that he will probably succeed on the merits of his appeal.¹ Under these standards, the appellant did not demonstrate that he was entitled to a stay of the superior court order pending appeal.

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Entered at the direction of an individual justice.

Clerk of the Appellate Courts

A handwritten signature in black ink, appearing to read "Mindi Johnson", is written over a horizontal line.

Mindi Johnson, Deputy Clerk

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